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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/007,794	12/05/2001	Kenji Tabata	04995/042001	1844

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EXAMINER

JELINEK, BRIAN J

ART UNIT	PAPER NUMBER
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2615

DATE MAILED: 10/18/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/007,794

Applicant(s)

TABATA, KENJI

Examiner

Brian Jelinek

Art Unit

2615

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 September 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 March 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Response to Amendment

The Examiner respectfully submits a response to the amendment received on 9/2/2005 of application no. 10/007,794 filed on 12/5/2001 in which claims 1-5 are currently pending.

Specification

The Examiner thanks the Applicant for providing the new title.

Arguments

Applicant's arguments, see pages 1-2, filed 9/2/2005, with respect to the rejection(s) of claim(s) 1-5 under Malloy-Desormeaux have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Ishiguro.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fukuda et al. (U.S. Pat. No. 6,064,834) in view of Ishiguro (U.S. Pat. No. 5,483,284).

Regarding claim 1, Fukuda discloses an electronic camera (Fig. 1, element 10), comprising: image record member for recording images (Fig. 2, element 120), which are formed within length-direction image pickup effective ranges (Fig. 5, element 68A; Fig. 8) and breadth-direction image pickup effective ranges (Fig. 6, element 68B; Fig. 9) set in film disposed in a main body of said electronic camera, image pickup effective range change member (Fig. 2, element 30) for changing the length-direction image pickup effective ranges and the breadth-direction image pickup effective ranges in the film; and an image pickup effective range setting table (Fig 2, elements 32 and 34) having a register (Fig. 3, element 28) of a plurality of records (Fig. 3, element 62 and 64) respectively indicating correspondences between the length-direction image pickup effective ranges and the breadth-direction image pickup effective ranges, wherein said image pickup effective range change member includes a length-direction range change button (Fig. 1, element 28) capable of executing an input operation to increase the length-direction image pickup effective ranges, and a breadth-direction range change button (Fig. 1, element 28) capable of executing an input operation to increase the breadth-direction image pickup effective ranges; and said image pickup effective range change member (Fig. 1, element 28) is member which, when said length-direction range change button or said breadth-direction range change button is operated, changes the length-direction image pickup effective ranges and breadth-direction image pickup effective ranges using the image pickup effective range setting table (Figs. 3-6).

The Examiner is interpreting the camera of Fukuda as an electronic camera because the camera comprises an illuminated finder, strobe, and auto focus light emitting and receiving parts (col. 4, lines 23-40).

Furthermore, the Examiner is interpreting the switching frames (Fig. 2, elements 32 and 34) as an image pickup effective range setting table because the frames form a planar light-shielding device (Merriam-Webster Dictionary, table: something that resembles a table especially in having a plane surface). Furthermore, the Examiner interprets the switching lever (Fig. 3, element 28) as a register having a plurality of records because each of its alignment grooves (Fig. 3, element 62 and 64) records the position of proper alignment such that the switching frames are correctly registered with the film to expose either a portrait or landscape image (Merriam-Webster Dictionary, register: a condition of correct alignment or proper relative position).

Fukuda does not disclose recording images in a solid state image pickup device disposed in a main body of said electronic camera, into a record medium in a form of electronic data. However, Ishiguro discloses a film camera with a replaceable CCD back (Fig. 1). One of ordinary skill in the art at the time of the invention would have provided a film camera like Fukuda's with a replaceable CCD back to enable a camera to capture an image electronically or on film. As a result, it would have been obvious to one of ordinary skill in the art at the time of the invention to have recorded images in a solid state image pickup device disposed in a main body of said electronic camera, into a record medium in a form of electronic data to enable a camera to capture an image electronically or on film.

Regarding claim 2, Fukuda discloses an electronic camera (Fig. 1, element 10), comprising: image record member for recording images (Fig. 2, element 120), which are formed within length-direction image pickup effective ranges (Fig. 5, element 68A; Fig. 8) and breadth-direction image pickup effective ranges (Fig. 6, element 68B; Fig. 9) set in film disposed in a main body of said electronic camera, image pickup effective range change member (Fig. 2, element 30) for changing the length-direction image pickup effective ranges and the breadth-direction image pickup effective ranges in the film; wherein said image pickup effective range change member includes a length-direction range change button (Fig. 1, element 28) capable of executing an input operation to increase the length-direction image pickup effective ranges, and a breadth-direction range change button (Fig. 1, element 28) capable of executing an input operation to increase the breadth-direction image pickup effective ranges; and said image pickup effective range change member (Fig. 1, element 28) is member which, when said length-direction range change button or said breadth-direction range change button is operated, changes the length-direction image pickup effective ranges and breadth-direction image pickup effective ranges in such a manner that the area of said image pickup effective ranges in the film is capable to provide a constant value (Figs. 8-9).

The Examiner is interpreting the camera of Fukuda as an electronic camera because the camera comprises an illuminated finder, strobe, and auto focus light emitting and receiving parts (col. 4, lines 23-40).

Fukuda does not disclose recording images in a solid state image pickup device disposed in a main body of said electronic camera, into a record medium in a form of electronic data. However, Ishiguro discloses a film camera with a replaceable CCD back (Fig. 1). One of ordinary skill in the art at the time of the invention would have provided a film camera like Fukuda's with a replaceable CCD back to enable a camera to capture an image electronically or on film. As a result, it would have been obvious to one of ordinary skill in the art at the time of the invention to have recorded images in a solid state image pickup device disposed in a main body of said electronic camera, into a record medium in a form of electronic data to enable a camera to capture an image electronically or on film.

Regarding claim 3, Fukuda discloses an electronic camera (Fig. 1, element 10), comprising: image record member for recording images (Fig. 2, element 120), which are formed within length-direction image pickup effective ranges (Fig. 5, element 68A; Fig. 8) and breadth-direction image pickup effective ranges (Fig. 6, element 68B; Fig. 9) set in film disposed in a main body of said electronic camera, image pickup effective range change member (Fig. 2, element 30) for changing the length-direction image pickup effective ranges and the breadth-direction image pickup effective ranges in the film, that is, said length-direction image pickup effective ranges and said breadth-direction image pickup effective ranges.

The Examiner is interpreting the camera of Fukuda as an electronic camera because the camera comprises an illuminated finder, strobe, and auto focus light emitting and receiving parts (col. 4, lines 23-40).

Fukuda does not disclose recording images in a solid state image pickup device disposed in a main body of said electronic camera, into a record medium in a form of electronic data. However, Ishiguro discloses a film camera with a replaceable CCD back (Fig. 1). One of ordinary skill in the art at the time of the invention would have provided a film camera like Fukuda's with a replaceable CCD back to enable a camera to capture an image electronically or on film. As a result, it would have been obvious to one of ordinary skill in the art at the time of the invention to have recorded images in a solid state image pickup device disposed in a main body of said electronic camera, into a record medium in a form of electronic data to enable a camera to capture an image electronically or on film.

Regarding claim 4, Fukuda discloses an image pickup effective range setting table (Fig 2, elements 32 and 34) having a register (Fig. 3, element 28) of a plurality of records (Fig. 3, element 62 and 64) respectively indicating correspondences between the length-direction image pickup effective ranges and the breadth-direction image pickup effective ranges, wherein said image pickup effective range change member (Fig. 1, element 28) is a member which, when there is a change instruction for said length-direction range change button or said breadth-direction range change button, changes the length-direction image pickup effective ranges and breadth-direction image pickup effective ranges using the image pickup effective range setting table (Figs. 3-6).

The Examiner is interpreting the switching frames (Fig. 2, elements 32 and 34) as an image pickup effective range setting table because the frames form a planar light-shielding device (Merriam-Webster Dictionary, table: something that resembles a table

especially in having a plane surface). Furthermore, the Examiner interprets the switching lever (Fig. 3, element 28) as a register having a plurality of records because each of its alignment grooves (Fig. 3, element 62 and 64) records the position of proper alignment such that the switching frames are correctly registered with the film to expose either a portrait or landscape image (Merriam-Webster Dictionary, register: a condition of correct alignment or proper relative position).

Regarding claim 5, Fukuda discloses the image pickup effective range change member is member which, when there is input a change instruction (Fig. 1, element 28) for said length-direction range change button or said breadth-direction range change button, changes the length-direction image pickup effective ranges and the breadth-direction image pickup effective ranges in such a manner that the area of the image pickup effective ranges in the film is capable to provide a constant value (Figs. 8-9).

Conclusion

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Art Unit: 2615

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian Jelinek whose telephone number is (571) 272-7366. The examiner can normally be reached on M-F 9:00 am - 5:00 pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Ometz can be reached at (571) 272-7593. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Brian Jelinek
9/26/2005



DAVID L. OMETZ
SUPERVISORY PATENT
EXAMINER